

1 WILLIAM A. ISAACSON (Admitted *Pro Hac Vice*)  
(wisaacson@bsfllp.com)  
2 BOIES, SCHILLER & FLEXNER LLP  
5301 Wisconsin Ave, NW, Washington, DC 20015  
3 Telephone: (202) 237-2727; Fax: (202) 237-6131

4 JOHN F. COVE, JR (Admitted *Pro Hac Vice*)  
(jcove@bsfllp.com)  
5 BOIES, SCHILLER & FLEXNER LLP  
1999 Harrison Street, Suite 900, Oakland, CA 94612  
6 Telephone: (510) 874-1000; Fax: (510) 874-1460

7 RICHARD J. POCKER #3568  
(rpocker@bsfllp.com)  
8 BOIES, SCHILLER & FLEXNER LLP  
300 South Fourth Street, Suite 800, Las Vegas, NV 89101  
9 Telephone: (702) 382 7300; Fax: (702) 382 2755

10 DONALD J. CAMPBELL #1216  
(djc@campbellandwilliams.com)  
11 J. COLBY WILLIAMS #5549  
(jcw@campbellandwilliams.com)  
12 CAMPBELL & WILLIAMS  
700 South 7th Street, Las Vegas, Nevada 89101  
13 Telephone: (702) 382-5222; Fax: (702) 382-0540

14 *Attorneys for Defendant Zuffa, LLC, d/b/a*  
15 *Ultimate Fighting Championship and UFC*

16  
17  
18 UNITED STATES DISTRICT COURT  
19 DISTRICT OF NEVADA  
20

21 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
22 Vera, Luis Javier Vazquez, and Kyle  
Kingsbury on behalf of themselves and all  
23 others similarly situated,

24 Plaintiffs,

25 v.

26 Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,

27 Defendant.  
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S MOTION TO SEAL  
EXHIBITS TO THE JOINT STATUS  
REPORT**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on February 10, 2016, Dkt. 217 (“Protective Order”), the parties’ agreement regarding the disclosure of documents during the search term testing process, and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendant Zuffa, LLC (“Zuffa”) respectfully requests that the Court order the Clerk of the Court to file under seal of Exhibits G, H and I of the parties’ Joint Status Report. This motion is accompanied by the Declaration of John F. Cove, Jr. in Support of Zuffa, LLC’s Motion to Seal.

The Protective Order in this case provides for the filing of documents under seal where portions or the entirety of the document contain Confidential or Highly Confidential Information. Dkt. 217, ¶ 14.3. In the parties Joint Status Report, Plaintiffs include 3 documents as exhibits which contain confidential information regarding Zuffa’s internal finances, financial terms and incentives of contractual negotiations, and business strategies and analysis. Because these documents implicate Zuffa’s confidential information, Zuffa moves to file these exhibits and the portion of the Joint Status Report under seal.

Specifically, Zuffa seeks to seal the following information or exhibits:

Exhibit G (COX-0072901)	This document includes the specific financial terms and incentives offered to a particular athlete during a negotiation.
Exhibit H (COX-0001451)	This document includes the specific financial terms and incentives offered to a particular athlete during a negotiation.
Exhibit I (LFertitta)	This document contains Zuffa’s confidential financial information as well as internal business analyses and assessments.

While Zuffa recognizes the importance of access to public documents, for sealing requests that do not relate to dispositive motions, the presumption of public access to court filings may be overcome by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted). In light of the public interest, Zuffa has narrowly

1 tailored its request by only sealing the Exhibits with confidential information. Accordingly, the  
2 request to seal is narrowly tailored. A “particularized showing under the good cause standard of  
3 Rule 26(c) will suffice to warrant preserving the secrecy of sealed discovery material attached to  
4 non-dispositive motions.” *Kamakana v. City and Cnty of Honolulu*, 447 F.3d 1172, 1180 (9th  
5 Cir. 2006) (citations and internal quotation marks omitted).

6 There is good cause to seal documents containing confidential business assessments and  
7 strategy, financial information and communications containing financial terms, incentives and  
8 negotiations over contract terms where such information could cause competitive harm if  
9 disclosed publicly. *See Selling Source, LLC v. Red River Ventures, LLC*, No. 2:09-cv-01491-  
10 JCM-GWF, 2011 WL 1630338 at \*2 (D. Nev. Apt. 29, 2011) (finding good cause to seal  
11 information regarding finances, contractual agreements and information regarding particular  
12 arrangements with customers); *Aevoe Corp. v. AE Tech. Co.*, No. 2:12-cv-00053-GMN-NJK,  
13 2013 WL 2302310, at \*2 (D. Nev. May 24, 2013) (finding good cause to seal financial  
14 information and business strategies); *Rainbow Bus. Solutions v. Merch. Servs.*, 2013 U.S. Dist.  
15 LEXIS 67190, at \*9 (N.D. Cal. May 10, 2013) (finding compelling reasons to seal “particular  
16 information about the party’s contractual agreements . . . the public disclosure of which would  
17 impede its ability to negotiate with business partners and to stay competitive in the marketplace”).

18 If Zuffa’s internal business strategies, its financial information, or its negotiations over the  
19 specific terms or incentives that it offers individual athletes are publicly disclosed, it could cause  
20 Zuffa competitive harm by giving competitors unfair insight into Zuffa’s finances, agreements,  
21 negotiation strategy and its internal business processes. Zuffa treats this information as  
22 confidential.

23 In addition, the third party who produced Exhibits G and H has requested confidential  
24 treatment of these documents pursuant to the Protective Order.

25 Zuffa respectfully requests that the designated portions of the documents identified as  
26 Exhibits G, H, and I be permitted to be filed under seal.  
27  
28

1 Dated: February 19, 2016

BOIES, SCHILLER & FLEXNER LLP

2  
3 By: /s/John F. Cove, Jr.

4 John F. Cove, Jr.

5 *Attorneys for Defendant Zuffa, LLC, d/b/a*  
Ultimate Fighting Championship and UFC

6 John F. Cove, Jr. (Admitted *Pro Hac Vice*)

7 BOIES, SCHILLER & FLEXNER LLP

1999 Harrison Street, Suite 900

8 Oakland, CA 94612

9 Tel: (510) 874-1000

Fax: (510) 874-1460

10 Email: jcove@bsfllp.com

11 William A. Isaacson (Admitted *Pro Hac Vice*)

12 BOIES, SCHILLER & FLEXNER LLP

5301 Wisconsin Ave, NW

13 Washington, DC 20015

14 Tel: (202) 237-2727

Fax: (202) 237-6131

15 Email: wisaacson@bsfllp.com

16 Donald J. Campbell #1216

J. Colby Williams #5549

17 CAMPBELL & WILLIAMS

700 South 7th Street

18 Las Vegas, Nevada 89101

19 Tel: (702) 382-5222

Fax: (702) 382-0540

20 Email: djc@campbellandwilliams.com

jcw@campbellandwilliams.com

21 Richard J. Pocker #3568

22 BOIES, SCHILLER & FLEXNER LLP

300 South Fourth Street, Suite 800

23 Las Vegas, NV 89101

24 Tel: (702) 382 7300

Fax: (702) 382 2755

25 Email: rpocker@bsfllp.com

26 *Attorneys for Defendant Zuffa, LLC, d/b/a Ultimate*  
27 *Fighting Championship and UFC*  
28